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Of Attorneys for Defendants Grant Zaitz and Jeffrey Goodman

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERIK LEE PIERCE

Plaintiffs,

No. CV06-1715 KI

v.

CITY OF SALEM, d/b/a WILLAMETTE
VALLEY COMMUNICATIONS CENTER,
MARION COUNTY, GRANT ZAITZ and
JEFFREY GOODMAN,

DEFENDANTS' GRANT ZAITZ AND
JEFFREY GOODMAN'S SUPPLEMENTAL
JURY INSTRUCTIONS

Defendants.

Defendants Grant Zaitz and Jeffrey Goodman respectfully request the Court give the following instructions, in addition to the standard instructions given in a civil case. Defendants reserve the right to modify, supplement, or withdraw these instructions based upon the evidence at trial.

Respectfully submitted this 12th day of October, 2009.

HOFFMAN HART & WAGNER, LLP

By: /s/ Kari A. Furnanz

Steven A. Kraemer, OSB No. 882476
Kari A. Furnanz, OSB #962920
Of Attorneys for Defendants Grant Zaitz
and Jeffrey Goodman

DEFENDANTS' REQUESTED JURY INSTRUCTION NO. 18

Expert Opinion

Some witnesses, because of education or experience, are permitted to state opinions and the reasons for those opinions.

Opinion testimony should be judged just like any other testimony. You may accept it or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the reasons given for the opinion, and all the other evidence in the case.

Ninth Circuit Civil Jury Instruction No. 2.11 (2007).

DEFENDANTS' REQUESTED JURY INSTRUCTION NO. 19

Deposition in Lieu of Live Testimony

A deposition is the sworn testimony of a witness taken before trial. The witness is placed under oath to tell the truth and lawyers for each party may ask questions. The questions and answers are recorded.

The deposition of plaintiff Erik Lee Pierce was taken on June 22, 2007. You should consider deposition testimony, presented to you in court in lieu of live testimony in so far as possible in the same way as if the witness had been present to testify.

Ninth Circuit Model Civil Jury Instruction No. 2.4 (modified).